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April 25, 2023

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *McKoy, et al. v. The Trump Corp., et al.*, Case No. 18-cv-09936 (LGS)

Dear Judge Schofield:

This firm represents non-party ACN Opportunity, LLC (“ACN”) in these proceedings. On April 21, 2023, Plaintiffs filed redacted and unredacted versions of their reply memorandum of law in support of their motion for class certification [ECF Nos. 561, 562 (under seal)] and a declaration in support with exhibits filed under seal [ECF Nos. 563, 564 (under seal)]. Plaintiffs also reference in their reply certain materials previously submitted under seal by Plaintiffs and Defendants both in connection with their respective class certification briefing.

As set forth in my prior letters of March 14, 2023 [ECF No. 539] and April 11, 2023 [ECF No. 555], much of the redacted material in the parties’ class certification briefing, including now in Plaintiffs’ reply memorandum, implicate ACN’s non-public, sensitive business and financial information, which ACN designated confidential in discovery. For the same reasons identified in my prior letters, and pursuant to Rule I.D.3 of Your Honor’s Individual Rules and Procedures for Civil Cases, ACN respectfully requests that its non-public materials submitted under seal by the parties remain sealed in the public record.

Respectfully,

A handwritten signature in black ink that reads 'Stephanie E. Niehaus'. The signature is written in a cursive, flowing style.

Stephanie E. Niehaus

cc: All Counsel of Record (via ECF)